REMARKS

Claims 8-13, 21-26, 34-39, 45, 46, 52, 53, 56 and 59-61 are objected to under 37 CFR 1.75(c) as being in improper form. These claims have been amended.

Claims 62-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 62-65 have been cancelled.

Claims 1-7, 14-20, 27-33, 40-44, 47-51 and 54-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips, U.S. Patent No. 6, 188,898.

Independent claims 1-3, 14-16, 27-29, 40, 47, 54 and 55 have been amended to clarify Applicant's invention. In particular, the independent claims have been amended to clarify that the rule information is received over an air interface by the mobile station from the radio telecommunication system.

The independent claims as amended are clearly directed to a system wherein a radio telecommunication system (the fixed network) may control the encoding or decoding operation of a mobile station by transmission of rule based information relating to predetermined coding rules. Thus, a highly efficient way of controlling operation of mobile terminals from the network side is achieved which may result in, for example, a much more efficient coding and transmission of broadcast information.

The Examiner has cited Philips (US 6,188,898) against the independent claims. Philips discloses a mobile communications network serving mobiles having different operating protocols. Multimode base stations are each capable of operating selectively depending on the operating control of each mobile station (Ref. abstract).

It is respectfully submitted that Philips is concerned with adaptation of a fixed network, and in particular, teaches adaptation of base stations to serve mobile terminals having different operating protocols (ref. col. 1 lines 65 to col. 2 line 1 and col. 2 lines 14 to 17).

The Examiner in particular cites col. 1, line 65 to col. 2 line 13. Applicant respectfully submits that the reference clearly teaches adapting a fixed network and in particular base stations to adapt to different transmission protocols of mobile terminals. Thus, the citation discloses only the fixed network configuring itself to receive signals from a diverse distribution of mobile terminals. It is respectfully submitted that the

citation discloses no control of the operation of mobile terminals by the fixed network or any communication over the air interface of any information to the mobile terminals. Indeed, there is no teaching of any modification of the mobile terminals and consequently cannot be any teaching of a mobile station having means for receiving rule information relating to predetermined coding rules from the communication system, for storing or retrieving such information or for decoding/encoding information based on such information.

The Examiner further refers to col. 3 lines 35 to 40 which discloses that for a mobile initiated call, the mobile terminal may emit a request for service on its frequency band and this may be used by the network to configure itself. However, this reference does not teach any information being transmitted to the mobile terminal or any modification or adaptation of the mobile terminal. Rather, the reference merely describes how the fixed network may reconfigure itself.

The only text in Philips which relates to communication of any information from the fixed network to mobile terminals is col. 4 lines 20-27 which is also referred to by the Examiner. Col. 4 lines 20-27 discloses that a mobile terminal may request software to be downloaded from the fixed network. The mobile terminal may be programmed to use the software for receiving transmissions for a given protocol. Thus, it is respectfully submitted that the paragraph merely teaches the use of a software definable radio wherein the operational software may be downloaded over the air interface. However, downloading of operational software does not correspond to communication of rule information relating to predetermined coding rules. In particular, the software download is not rule information in response to which the mobile terminal may select between predetermined coding rules but rather requires a complete reconfiguration of the mobile terminal. In other words, a software download requires software replacement and reconfiguration whereas the rule information may simply provide information of how the existing software may apply different rules. This may for example allow a substantially reduced bandwidth requirement as communication of simple rule information requires much less bandwidth than download of replacement software.

The Applicant notes that the cited text references are provided for the independent claims as a whole rather than a reference being provided for the individual features of the independent claims. The Applicant is not completely sure of which

individual text is suggested to teach the individual features of the claims (e.g. the Applicant is unsure of which information communicated from the network to a mobile terminal in the system of Philips is considered to correspond to the rule information relating to a predetermined coding rule of the independent claims). Should the Examiner have any remaining objections, the Applicant would appreciate if the Examiner could clarify exactly which specific text is considered to correspond to which individual features and terms of the independent claims.

In accordance with the foregoing amendments and remarks, Applicant submits that independent claims 1-3, 14-16, 27-29, 40, 47, 54 and 55 are novel and inventive over the cited prior art. Applicant further submits that claims 4-13, 17-26, 30-39, 41-46, 48-53 and 55-61 are allowable at least by virtue of their dependency on the independent claims. Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
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